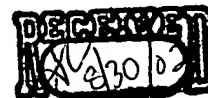


#19

**Gates & Cooper LLP**Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045**Official****FAX TRANSMISSION TO USPTO**TO: SPE Gail Hayes  
Technology Center 2100  
Group Art Unit 2120  
U.S. Patent and Trademark Office  
Washington, D.C. 20231FROM: George H. Gates  
OUR REF.: ST9-95-032R  
TELEPHONE: (310) 642-4146Total pages, including cover letter: 19PTO FAX NUMBER: 703 746 7239

If you do NOT receive all of the pages, please telephone us at (310) 641-8797, or fax us at (310) 641-8798.

Title of Document Transmitted:	REQUEST FOR RECONSIDERATION OF THE DECISION DENYING THE PETITION TO WITHDRAW HOLDING OF ABANDONMENT INCLUDING EXHIBITS A-F.
Applicant:	Paul C. Leung et al.
Serial No.:	09/286,678
Filed:	April 2, 1999
Group Art Unit:	TC 2120
Our Ref. No.:	ST9-95-032R

By: George H. Gates

Name: George H. Gates

Reg. No.: 33,500

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Signature George H. GatesDate 8/30/02

GHG/amb

G&amp;C 30571.162-US-RE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul C. Leung et al. Group Director: Margaret Ann Focarino  
Serial No.: 09/286,678 Group Art Unit: TC 2120  
Filed: April 2, 1999 Docket: ST9-95-032R  
Title: PLATFORM-TRANSPARENT REGISTRATION AND BUILD OF STORED  
PROCEDURES AND USER-DEFINED FUNCTIONS

**CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S.  
Patent and Trademark Office on July 30, 2002.

By: GHG

Name: George H. Gates

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.  
☒ REQUEST FOR RECONSIDERATION OF THE DECISION DENYING THE PETITION TO  
WITHDRAW HOLDING OF ABANDONMENT including Exhibits A-F.

**Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months  
to enter these papers, if appropriate.**

**Please charge all fees to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the  
present application. A duplicate of this paper is enclosed.**

Customer Number 22462  
**GATES & COOPER LLP**  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797

By: GHG

Name: George H. Gates

Reg. No.: 33,500

GHG/amb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul C. Leung et al.	Examiner:	J. Choules
Serial No.:	09/286,678	Group Art Unit:	2177
Filed:	April 2, 1999	Docket:	ST9-95-032R
Title:	PLATFORM-TRANSPARENT REGISTRATION AND BUILD OF STORED PROCEDURES AND USER-DEFINED FUNCTIONS		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on July 30, 2002.

By:   
Name: George H. Gatts

REQUEST FOR RECONSIDERATION OF THE DECISION DENYING THE PETITION  
TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I. Introduction

Applicants' attorney submits this Request for Reconsideration of the Decision On Petition Under 37 C.F.R. §1.181 to Withdraw Holding of Abandonment. Attached hereto as Exhibit A is a copy of the Decision dated July 8, 2002.

Applicants' attorney respectfully submits that the Examiner properly issued a Notice of Non-Responsive Amendment, that the application was not abandoned when the Notice of Non-Responsive Amendment was issued, and that Applicants' Amendment filed on September 27, 2001 was a proper reply to the Notice of Non-Responsive Amendment.

Consequently, the Petition Under 37 C.F.R. §1.181 to Withdraw Holding of Abandonment should have been granted, and it is requested that the Decision be reversed.

## II. Basis for the Request for Reconsideration

The facts, analysis and conclusion in the Decision omit certain critical events, which are set forth below and documented in the attached Exhibits:

- March 14, 2001 - Final Rejection mailed. Three month deadline is June 14, 2001, and sixth month deadline is September 14, 2001.
- April 26, 2001 - Applicants' attorney telephones Examiner Kulik to discuss defective declaration. The telephone interview was documented in the Amendment under 37 C.F.R. §1.116 filed June 14, 2001 (after the declaration had been approved by Examiner Kulik and subsequently executed by the inventors). See the telephone log in Exhibit B attached hereto.
- June 14, 2001 - Amendment under 37 C.F.R. §1.116 filed, along with Declaration, on the three month deadline.
- June 20, 2001 - Advisory Action mailed. The Advisory Action states that the After-Final Amendment will not be entered because it raises new issues that require further search and consideration.
- June 28, 2001 - Applicants' attorney telephones SPE John Breene (because Examiner Kulik had left the employ of the PTO), to discuss the Advisory Action and explain status of the case. SPE Breene indicated he would pull the case and call back. See the telephone log in Exhibit C attached hereto.
- July 13, 2001 - Applicants' attorney again telephones SPE John Breene. SPE Breene again indicated that he would order the file wrapper. SPE Breene also stated that he would issue an allowance, notwithstanding the Advisory Action. SPE Breene instructed Applicants' attorney to call back in a week. See the telephone log in Exhibit C attached hereto.
- August 14, 2001 - Applicants' attorney telephones Examiner Choules, after learning from SPE John Breene that Examiner Choules is now responsible for the application. Examiner Choules indicates that he is still reviewing the case, and instructs Applicants' attorney to call back. See the telephone log in Exhibit D attached hereto.

- September 12, 2001 - Two days before the end of the sixth month period, Applicants' attorney telephones Examiner Choules. Examiner Choules indicates that brackets and underlining are not correct, and states that he will issue an Office Action withdrawing the final rejection, and will fax the Office Action to Applicants' attorney. See the telephone log in Exhibit E attached hereto.
- September 13, 2001 - One day before the end of the sixth month period, Examiner Choules faxes the Office Action to Applicants' attorney indicating that finality is withdrawn, and giving the Applicants one month from the date of the Office Action (September 13, 2001) in which to respond. See the Office Action in Exhibit F attached hereto.

In light of the above facts, Applicants' attorney respectfully submits that the Examiner properly issued a Notice of Non-Responsive Amendment, on September 13, 2001, not on September 17, 2001. Moreover, since the application was not abandoned as of September 13, 2001, the Examiner could properly vacate the final rejection, and issue an action in the case.

On the other hand, the Decision states that even if the Examiner's action of September 17, 2001 (actually September 13, 2001) was valid, the application was abandoned for failure to timely file a proper reply to that mailing by March 18, 2002. The Decision acknowledges that Applicants' attorney has established that an Amendment was filed by facsimile on September 27, 2001, but states that this Amendment was not a proper reply to the Notice of Non-Responsive Amendment.

Applicants' attorney disagrees. The Amendment filed on September 27, 2001 was a proper reply, in that it complied with all of the requirements of the Notice of Non-Responsive Amendment, i.e., the requirements concerning the bracketing and underlining of claim 18. Applicants' attorney concedes that the Amendment also included newly-presented amendments to claim 8, which amendments the Examiner later asserted did not comply with 37 C.F.R. §1.173. Nonetheless, the Notice of Non-Responsive Amendment itself was directed only to the amendments of claim 18, and it is this basis that determines whether the reply was proper or not. Consequently, the Amendment filed on September 27, 2001 was a proper reply, and the Applicants' attorney has established that it was, in fact, filed on September 27, 2001, well within the time period provided for responding.

In conclusion, Applicants' attorney requests reconsideration of the Decision On Petition Under 37 C.F.R. §1.181 to Withdraw Holding of Abandonment, reinstatement of the present application, and allowance of the application in its present form.

No fee is deemed necessary in connection with the filing of this Request. However, should the Office determine that a fee is required, the Office is authorized to charge any such fee to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the present application.

Respectfully submitted,

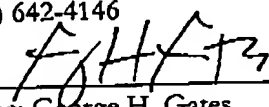
Paul C. Leung et al.

By their attorneys,

GATES & COOPER LLP

6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 642-4146

Dated: July 30, 2002

By:   
Name: George H. Gates  
Reg. No.: 33,500



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENT  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

George H. Gates  
 Gates & Cooper LLP  
 Howard Hughes Center  
 6701 Center Drive West, Suite 1050  
 Los Angeles, California 90045

Paper No. 18

 RECEIVED  
 JUL 15 2002

 MAILED Gates & Cooper LLP  
 JUL 08 2002

Technology Center 2100

In re Application of: Paul C. Leung et al. )  
 Application No. 09/286,678 )  
 Filed: April 2, 1999 )  
 For: PLATFORM-TRANSPARENT )  
 REGISTRATION AND BUILD OF )  
 STORED PROCEDURES AND )  
 USER-DEFINED FUNCTIONS )

DECISION ON PETITION UNDER 37  
 C.F.R. § 1.181 TO WITHDRAW  
 HOLDING OF ABANDONMENT

10/13/02 Revival Completed

This is a decision on the petition filed May 24, 2002 to withdraw the holding of abandonment of the above-identified application. The communication is treated as a petition under 37 C.F.R. § 1.8(b) to accept papers as timely filed and as a petition under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment. (See MPEP § 711.03(c)).

This application was held abandoned for failure to timely file a proper reply to the Notice of Non-Responsive Amendment of mail date September 17, 2001. A Notice of Abandonment was mailed on April 26, 2002.

The petition is **DENIED**.

#### RECENT PROSECUTION BACKGROUND

- March 14, 2001 - Final Rejection mailed. The Final Rejection contains two main points: 1) that the reissue declaration is defective because it fails to contain a statement of "without any deceptive intention" and 2) that claim 18 is not in proper form because it was not amended by bracketing and underlining with respect to *original* claim 18.
- June 14, 2001 - Petitioner files an After-Final Amendment and Declaration. The Declaration contains the "without any deceptive intention" statement. The Amendment provides changes to claim 18.

Exhibit A (Page 1)

Serial No. 09/286,678  
Decision on Petition

- 2 -

- June 20, 2001 - Advisory Action mailed. Examiner points out that the After-Final Amendment will not be entered because it raises new issues that require further search and consideration.
- September 17, 2001 - Examiner issues a Notice of Non-Responsive Amendment. The Notice points out that claim 18 is not in proper form because changes are not made with respect to *original* claim 18. Furthermore, the Notice withdraws the finality of the previous Office Action.
- April 2, 2002 - Petitioner faxes an Amendment containing changes to claims 8 and 18. This Amendment carries a Certificate of Mailing date of September 27, 2001.
- April 26, 2002 - Examiner issues a Notice of Abandonment. The Notice indicates that Examiner considered the Amendment, dated April 2, 2002, and points out that the Amendment does not correct the deficiencies in the Notice of Non-Responsive Amendment because the Amendment is not in accordance with 37 CFR 1.121 and 1.173.
- May 24, 2002 - Petitioner filed this petition to withdraw the holding of abandonment. The petition includes a second, After-Final Amendment, dated May 24, 2002, which contains changes to claim 18.

### **BASIS OF OPINION**

The relevant portions of the Statutes and Rules are reproduced below. Emphasis is added to draw attention to the critical phrases.

#### **35 U.S.C. 133 Time for prosecuting application**

*Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.*

#### **37 CFR § 1.135 Abandonment for failure to reply within time period**

- (a) If an applicant of a patent application fails to reply within the time period provided under §1.134 and §1.136, the application will become abandoned unless an Office action indicates otherwise.

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Exhibit A (Page 2)



Serial No. 09/286,678  
Decision on Petition

- 3 -

### **37 CFR § 1.8 Certificate of mailing or transmission**

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

### **MPEP § 706.07(d) Final Rejection, Withdrawal of, Premature**

If, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection. The finality of the Office action must be *withdrawn while the application is still pending*. The examiner *cannot vacate the final rejection once the application is abandoned*. Form paragraph 7.42 should be used when withdrawing the finality of the rejection of the last Office action.

### **MPEP § 706.07(f) Time for Reply to Final Rejection**

The time for reply to a final rejection is as follows:

(A) All final rejections setting a *3-month shortened statutory period (SSP)* for reply should contain one of form paragraphs 7.39, 7.40, 7.40.01, 7.41, 7.41.03, or 7.42.09 advising applicant that if the reply is filed within 2 months of the date of the final Office action, the shortened statutory period will expire at 3 months from the date of the final rejection or on the date the advisory action is mailed, whichever is later. Thus, a variable reply period will be established. *In no event can the statutory period for reply expire later than 6 months from the date of the final rejection.*

### **MPEP § 714.03 Amendments Not Fully Responsive, Action To Be Taken**

*The practice under 37 CFR 1.135(c) of giving applicant a time period to supply an omission in a bona fide reply does not apply after a final Office action.* Amendments after final are approved for entry only if they place the application in condition for allowance or in better form for appeal. Otherwise, they are not approved for entry.

Exhibit A (Page 3)

Serial No. 09/286,678  
Decision on Petition

- 4 -

### OPINION

The following provides reasons why the holding of abandonment should be maintained.

**I. The application was abandoned for failure to timely file a proper reply to the Final Rejection of mail date March 14, 2001 by September 14, 2001**

Based on 35 U.S.C. 133, Applicant is given six months, or within such shorter time, as indicated in an Office communication, to prosecute the application after any action therein. If Applicant fails to do so, the application is regarded as abandoned.

Examiner issued a Final Rejection on March 14, 2001, setting a shortened statutory period of response to expire three months from the mailing date of the action. Applicant filed an After-Final Amendment on June 14, 2001. The After-Final Amendment did not place the application in condition for allowance.

Upon failure of Applicant to timely provide a proper reply to the Final Rejection within the 3 month shortened statutory period or the maximum 6 month statutory period, the application was abandoned.

Examiner issued a Notice of Non-Responsive Amendment in error on September 17, 2001. Because the application was in abandoned status, the Examiner could not properly issue an action in the case and it is of no effect.

In the Notice of Non-Responsive Amendment, Examiner withdrew the finality of the final rejection. However, once an application is abandoned, the Examiner cannot vacate the final rejection.

In addition, the practice under 37 CFR 1.135(c) of giving Applicant a time period to supply an omission in a bona fide reply does not apply after a final Office action. (See MPEP § 714.03 above.)

The Amendment, faxed on April 2, 2002, was also entered in error because the Amendment was a post-abandonment communication.

**II. Even if the Examiner's action of September 17, 2001 was valid, the application was abandoned for failure to timely file a proper reply to that mailing by March 18, 2002**

Assume for the sake of argument that the Notice of Non-Responsive Amendment issued by Examiner on September 17, 2001 was valid. Applicant was given one month from the mailing date of the Notice to place the amendment in proper form for the reissue application.

According to 37 CFR 1.136(a)(1), Applicant may extend the time period for reply up the earlier of the expiration of any maximum period set by statute or five months after the time period set for reply, with the appropriate petition and petition fee set forth in 1.17(a). Thus, Applicant had until

Exhibit A (Page 4)

Serial No. 09/286,678  
Decision on Petition

- 5 -

March 18, 2002 to file a timely response to Examiner's mailing of September 17.

Applicant submitted a faxed Amendment on April 2, 2002. The examiner erred in entering the fax of April 2, which applicant submitted as a copy of a response presumably faxed on September 27, 2001. The faxed amendment was entered in error because the Examiner was without authority to consider this Amendment since there was no adequate showing of a timely submission. However, Examiner considered the April 2 Amendment and found the reply to be non-responsive, as indicated in the Notice of Abandonment, dated April 26, 2002.

Because Applicant failed to timely file a *proper* response to the September 17 mailing, the application was abandoned.

**III. This petition, mistakenly holding that the Examiner did not consider the Amendment faxed on April 2, requests that the faxed Amendment be accepted as timely filed and treated by the Examiner**

Applicant's submission establishes that the April 2, 2002 fax was timely filed on September 27, 2001. The petition complies with the requirements set forth in 37 C.F.R. § 1.8(b) by 1) informing the Office promptly, 2) supplying an additional copy of the transmitted correspondence and certificate, and 3) including a personal knowledge basis statement by Petitioner attesting to the previous timely transmission, as well as providing a copy of the sending unit's report confirming facsimile transmission.

However, Applicant's petition is based on the misapprehension that the Examiner did not consider the Amendment faxed on April 2, 2002. In fact, the Examiner considered this Amendment, as indicated in the Notice of Abandonment, dated April 26, 2002. Thus, there is no basis for Applicant's petition as the April 2 Amendment was considered timely filed on September 27, 2001 by Examiner.

**IV. Even when considering the April 2 submission as timely filed on September 27, the application would still be abandoned**

Applicant's April 2 Amendment failed to correct the informalities in the September 17 mailing. As indicated in the Notice of Abandonment, dated April 26, 2002, the Amendment was *not a proper reply* to the Notice of Non-Responsive Amendment because the claim changes were not in accordance with 37 CFR 1.121 and 1.173. Since Applicant failed to provide a proper response within the time period specified in the Notice of Non-Responsive Amendment, the application was correctly abandoned.

**V. The May 24, 2002 petition requests entry of a new Amendment, which Applicant admits was not previously submitted- this Amendment is not timely and can not be entered**

In the May 24 petition, Applicant's Attorney submits a Second Amendment under 37 CFR 1.116 that

Exhibit A (Page 5)

Serial No. 09/286,678  
Decision on Petition

- 6 -

amends claim 18. However, this submission can not be a timely response to either the March 14, 2001 Final Rejection or the September 17, 2001 mailing since it falls outside of the six month statutory period for timely response to either action. Furthermore, the mailing of April 26, 2002 was a Notice of Abandonment which does not set any period for reply. Therefore, this Amendment can not be entered.

### CONCLUSION

Applicant's petition has established that the April 2 Amendment was filed on September 27. However, the application remains abandoned because (1) Applicant failed to timely file a reply to the Final Rejection of mail date March 14, 2001 within the 6 month statutory period, and (2) in any event, Applicant failed to timely file a proper reply to the September 17 mailing within the 6 month statutory period.

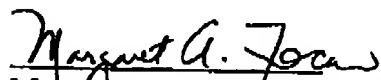
Accordingly, the petition for Withdrawal of Holding of Abandonment is **DENIED**.

MPEP 711.03(c) explains:

A petition to revive an abandoned application (discussed below) should not be confused with a petition from an examiner's holding of abandonment. Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee.

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Applicant should consider filing a petition to revive an abandoned application, pursuant to 37 CFR 1.137 (See MPEP § 711.03(c)).



Margaret A. Focarino, Group Director  
Technology Center 2100  
Computer Architecture, Software, and Electronic Commerce

## Gates & Cooper LLP

Intellectual Property Law  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
Tel (310) 641-8797  
Fax (310) 641-8798

Client/Matter: \_\_\_\_\_ Date: 4/26/01

Re: \_\_\_\_\_

☐ Telephone Call ☐ Voice Mail ☒ From ☐ To:

Et. White

Name

Phone No.

☐ Conference With: \_\_\_\_\_

☐ Other: \_\_\_\_\_

Insured defective declaration

Proposed re-scheduled SBT & Supplement

He will review & call back.

Exhibit B (Page 1)

Attorney's Initials

# Gates & Cooper LLP

Intellectual Property Law  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
Tel (310) 641-8797  
Fax (310) 641-8798

Client/Matter: 30571.162-US-REDate: 6/28/01

Re: \_\_\_\_\_

☐ Telephone Call☐ Voice Mail☐ From☒ To:SPE Breen

Name

Phone No.

☐ Conference With: \_\_\_\_\_☐ Other: \_\_\_\_\_Explained status of caseHe will only file wrappers and call  
back7/13/01 He will order file wrappers  
& issue allowanceCall back to following next week

Exhibit C (Page 1)

Attorney's Initials

# Gates & Cooper LLP

Intellectual Property Law  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
Tel (310) 641-8797  
Fax (310) 641-8798

Client/Matter: 30571.162-US-RE Date: 8/14/01

Re: \_\_\_\_\_

☐ Telephone Call☐ Voice Mail☐ From☒ To:Ex. Jack Charles

Name

703 305 9840

Phone No.

☐ Conference With: \_\_\_\_\_☐ Other: \_\_\_\_\_Still looking at itCall back in a week or so

Exhibit D (Page 1)

Attorney's Initials

# Gates & Cooper LLP

Intellectual Property Law  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
Tel (310) 641-8797  
Fax (310) 641-8798

Client/Matter: 30571.162-US-RE Date: 9/12/01

Re: \_\_\_\_\_

☐ Telephone Call ☐ Voice Mail ☒ From ☐ To:

Et. Charles

Name

Phone No.

☐ Conference With: \_\_\_\_\_

☐ Other: \_\_\_\_\_

— markets & working should be  
from original claim 18

— he will for withdrawal of finality  
before 9/14/01

Exhibit E (Page 1)

Attorney's Initials



DEPT OF COMMERCE  
PATENT  
AND  
TRADEMARK

OFFICE

PTO

2121 CRYSTAL DRIVE  
ARLINGTON, VA 22202



RECEIVED  
SEP 13 2001

Gates & Cooper LLP

facsimile transmittal <sup>TO 10/13/01</sup> Response Due  
(non-extendable)

To: GEORGE GATES Fax: 1-310-641-8798  
From: J. CHOULES Date: 9/13/01  
Re: 09/286678 Pages: 2  
CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Exhibit F (Page 1)

**CONFIDENTIAL**

Received from <+13106418798> at 8/30/02 9:19:59 AM [Eastern Daylight Time]

10


**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
	14

DATE MAILED:

This is a communication from the examiner in charge of your application.  
 COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ The communication filed 6/26/00, 6/14/01 <sup>4/2/99</sup> is informal/non-responsive for the reason(s) checked below and should be corrected. APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.
- a. ☒ The amendment to claim(s) 1-69, filed 6/26/00, 6/14/01 <sup>4/2/99</sup> fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by \_\_\_\_\_, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e. ☐ Other

2. ☐ In accordance with applicant's request, THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED \_\_\_\_\_ IS EXTENDED TO RUN \_\_\_\_\_ MONTH(S).  
 No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (f)
3. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.

4. ☒ Other

PENALTY IS WITHDRAWN  
AMENDMENTS HAVE NOT BEEN MADE IN ACCORDANCE WITH 37CFR 1.12.  
SPECIFICALLY ANY AMENDMENT MUST SHOW DIFFERENCE BETWEEN CLAIMS  
AS CURRENTLY AMENDED AND THE CLAIMS AS THEY APPEARED IN  
THE ORIGINAL PATENT 5,657,447.

PARTICULARLY THERE IS NO CORRECT AMENDMENT  
OF CLAIM 18

Exhibit F (Page 2)

 JACK CHOULES  
 PRIMARY EXAMINER